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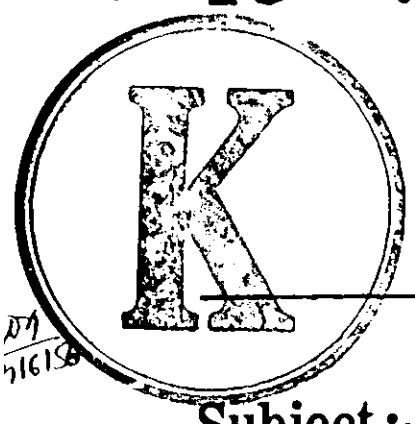
File No. Factories II 148



Legal **DEPARTMENT**

BRANCH

Subject:—

Rules and Notifications under the

factories act, 1934

P.S. (F)

File No. Factories II/48
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V.M.D. /23-8
48.

Office of the R.L.A.

A revised draft notification for final publication of the draft amendments is sent herewith. It is presumed that restrospective effect is not to be given.

2. As rule 81 was made under section 47, it is still in force and will have to be superseded. The preamble has been suitably revised to bring out the position of this rule and Form N. and draft amendment Nos. (1) and (2) provide for the deletion of the rule and substitution of the proposed revised rule.

3. Revised draft rule 82. The marginal note in the Labour Department draft does not fit in with the provisions of the rule. The reference should be only to section 34. The Department may verify whether the revised draft marginal note is suitable.

4. Draft Form. No. It does not conform with the provisions of revised draft rule 83 e.g. the column " Normal rate of pay " does not provide for other alternatives of showing the pay given in clauses(i) and (ii) in the rule. The Department may consider whether the form may be revised to conform it with the provisions of the rule.

5. Appendix III. It has already ceased to be in force. The revised Appendix ix will not therefore be in substitution of the existing one but will have to be inserted as a new Appendix after Appendix II. Draft amendment No. (4) provides for this. Condition (b) in Exemption 1 may be retained, although the position is not quite free from doubt. Since it may be argued that under cover of a condition the power of the courts to interpret what are urgent repairs is being usurped by the Inspector.

6. The Department will not doubt check the draft Appendi again before final publication for correction printing mistakes and for making the wording of the conditions uniform.

Sd/- P.M.Lad. 28.4.

Remembrancer of Legal [illegible]

U.R.to P.& S.D. No 4158, dated the 29th [illegible]

NOTIFICATION.

Labour Department,
Bombay Castle, 1948.

Factories Act, 1934 (XXV of 1934).

No. 4168/34. Whereas in exercise of the powers conferred by section 43 and sub-section (4) of section 47 of the Factories Act, 1934, (XXV of 1934), the Government of Bombay made certain rules and incorporated them as rules 77 to 83, Form N and Appendix III in the Bombay Factories Rules, 1935;

And Whereas under sub-section (5) of the said section 43, rules 77 to 80, 82 and 83 and Appendix III made under the said section 43 have ceased to be in force;

And Whereas it is expedient to amend rule 81 and Form N made under sub-section (4) of the said section 47;

Now, therefore, in exercise of the powers conferred by section 43 and sub-section (4) of section 47 of the said Act, the Government of Bombay is pleased to amend, with effect from the day of 1948, the Bombay Factories Rules, 1935, as follows, namely :-

In the said rules, --

(1) the existing rule 81 shall be deleted;

(2) after rule 76, the following shall be inserted, namely :-

(Insert A to A on pages 131-132 of the Gazette copy, slipped D);

(3) for Form N, the following shall be substituted, namely :-

(Inserted B to B on p. 133 of the Gazette copy);

(4) after Appendix II, the following shall be inserted, namely :-

(Insert C to C on pages 134 to 144 of the Gazette copy).

By order of the Governor of Bombay,

Secretary to Government.

V.M.D. /28-5

4c

NOTIFICATION.

Labour Department,

Bombay Castle, 1948.

actories Act,1934.

No.352/34-I.- The following draft of a Notification which it is proposed to issue under the Factories Act, 1934 (XXV of 1934), is published as required by section 79 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the 5 day of 1948.

Here insert date not earlier than 3 months from date of publication of this notification in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Commissioner of Labour, (Factory Department), Mankwa Building, Outram Road, Fort, Bombay, from any person with respect to the said draft on or before the date aforesaid will be considered by Government.

Draft Notification.

No. 352/34-II .- In exercise of the powers conferred by the Factories Act, 1934 (XXV of 19 the Government of Bombay is pleased to amend t Bombay Factories Rules, 1935, as follows, namely

For sub-rule (3) of rule 78 of the said ru the following new sub-rule shall be substituted namely :-

"(3) If any addition or alteration is made such building or part thereof or to such machin plant or tanks, no work on any manufacturing pr with the aid of power shall be commenced in suc building or such part thereof, or on such machi plant or tanks until a certificate of stability respect of such alteration or addition has been approved in the manner specified in sub-rule (1

By order of the Governor of Bombay,

Secretary to Government.

Legal Department.

A revised draft notification is sent herewith.

Sd/- J. K. Dhurandar
30-8
Additional Secretary to Government.

U.R. to Lab. Deptt., No. 665, dated the 30th August 1948.

V.A.D./28-8
40.